

JUN 25 2010

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 Approved for use through 03/31/2012. OMB 0651-0016  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
 MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

 Docket Number (Optional)  
 2-5127-013

RECEIVED

 Mail to: Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450  
 Fax: (571) 273-8300

JUL 02 2010

OFFICE OF PETITIONS

 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at  
 (571) 272-3282.
Patent Number: 6,408,979Application Number: 09/525,365Issue Date: 06/25/2002Filing Date: 03/15/2000
 CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent  
 number (or reissue patent number, if a reissue) and (2) the application number of the actual  
 U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s)  
 is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
 original application number \_\_\_\_\_  
 original filing date \_\_\_\_\_
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
 \_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

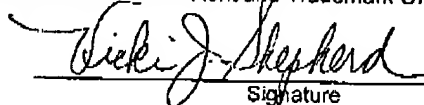
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

 (1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class  
 mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
 1450 OR

 (2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-  
 8300.

06/25/2010

Date



Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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CENTRAL FAX CENTER****JUN 25 2010**

PTO/SB/05 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**1. SMALL ENTITY**☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27**2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)**3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input checked="" type="checkbox"/> \$ 2,480.00	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2,480.00**4. SURCHARGE**The surcharge required by 37 CFR 1.20(i)(1) of \$ 130.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 130.00**5. MANNER OF PAYMENT**

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_
- ☒ Please charge Deposit Account No. 08-1650 the sum of \$ 3,310.00
- ☐ Payment by credit card. Form PTO-2038 is attached.

**6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY**

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 08-1650

[Page 2 of 4]

Approved for use through 03/31/2012. OMB 0651-0016  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
PTO/SB/65 (03-09)

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## 7. OVERPAYMENT

As to any overpayment made, please

☒ Credit to Deposit Account No. 08-1650

OR

☐ Send refund check

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OFFICE OF PETITIONS

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

/Michael O. Sturm/

Signature(s) of Petitioner(s)

06/25/2010

Date

Michael O. Sturm

Typed or printed name(s)

26078

Registration Number, if applicable

206 6th Ave - Suite 1213

Address

515-288-9589

Telephone Number

Des Moines, IA 50309-4076

Address

## ENCLOSURES:

- ☒ Maintenance Fee Payment  
☒ Statement why maintenance fee was not paid timely  
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)  
☒ Other: Showing (Declaration)

[Page 3 of 4]

PTO/SB/65 (03-09)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

/Michael O. Sturm/

06/25/10

Signature

Date

Michael O. Sturm

26078

Type or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

A Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) was initially filed May 7, 2009 with a Petition to Expedite with regard to the first (1<sup>st</sup>) maintenance fee due December 25, 2005. Also included with that filing were payment of the first (1<sup>st</sup>) maintenance fee in the amount of \$980; surcharge of \$130; petition fee of \$1,640; and petition to expedite fee of \$400, along with attachments consisting of Declarations and Exhibits.

Over the past several months, the PAIR system at the U.S. Patent and Trademark Office has been reviewed weekly (over 52 times) to determine the status of the initial Petition. The Office of Petitions was called on April 26, 2010; April 28, 2010; June 23, 2010 and June 25, 2010 and messages left on the voicemail system of April Wise. On April 28, 2010, Ms. Wise returned the telephone call to legal assistant Vicki Shepherd. During the conversation, Vicki was informed by Ms. Wise that she had previously submitted her decision to her supervisor; and that it would be up to her supervisor to decide whether or not she agreed with Ms. Wise's assessment. She stated she had no idea when the supervisor would be acting on same. Ms. Wise then told Ms. Shepherd it could be beneficial for us to go ahead and attempt to pay the second (2<sup>nd</sup>) maintenance fee due December 25, 2009. She stated it would probably not be accepted because there was not yet a final decision on our Petition, but that we would at least have proof we had attempted to timely pay it. The second (2<sup>nd</sup>) maintenance fee was paid on April 28, 2010 (the same date as telephone conversation between Ms. Wise and Ms. Shepherd). On May 10, 2010, we received Notice of Non-Acceptance of Patent Maintenance Fee (receipt of payment on April 30, 2010), but it could not be accepted because "No decision has been made on petition" (Box 8, Other:), and signed by Shannon Harrison

As of today, June 25, 2010, we have still not received a decision on the initial Petition filed May 7, 2009. Because today is the final day for the second (2<sup>nd</sup>) maintenance fee to be paid with surcharge, this Petition is being filed anticipating that the second (2<sup>nd</sup>) maintenance fee will be accepted.

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]



## UNITED STATES PATENT AND TRADEMARK OFFICE

PTO-2142 (09-05)

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

STURM & FIX LLP  
206 6<sup>TH</sup> AVENUE, SUITE 1213  
DES MOINES, IA 50309-4076

MAY 10 2010

May 4, 2010

## NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 6408979

PAYMENT STATUS:

Payment Amount Received: \$ 2,610.00Payment was refunded to your deposit account.Payment Year 7.5 (e.g., 3.5, 7.5, 11.5)

081650

PAYMENT RECEIPT DATE 04/30/2010  
(Mailroom Date Stamp)

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Your payment was not accepted for the following reason(s):

OFFICE OF PETITIONS

- ☐ 1. The maintenance fee for the above-identified patent was previously paid on \_\_\_\_\_.  
☐ Information regarding the previous payment is stated in item 8 below.
- ☐ 2. The patent expired on \_\_\_\_\_. See "Patent Expiration" section below.
- ☐ 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on \_\_\_\_\_.
- ☐ 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ \_\_\_\_\_ is/was required.
- ☐ 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- ☐ 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- ☐ 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- ☒ 8. Other: No decision has been made on petition.

## Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on \_\_\_\_\_ and ends on \_\_\_\_\_. In addition to the maintenance fee of \$ \_\_\_\_\_, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ \_\_\_\_\_. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

## Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

Shannon Harrison (571) 272-6386  
Printed Name of USPTO Representative

[Signature]  
Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the [www.uspto.gov](http://www.uspto.gov) website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

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JUN 25 2010

PTO/SB/45 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## MAINTENANCE FEE TRANSMITTAL FORM

(Do not submit this form electronically via EFS-Web)

Address to:  
Director of the United States  
Patent and Trademark Office  
Attn: Maintenance Fee  
2051 Jamieson Avenue, Suite 300  
Alexandria, VA 22314

- OR -

Fax to: 571-273-6500

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on April 30, 2010Signature Vicki J. Shepherd  
Typed or printed name Vicki J. ShepherdReceived US Bank  
APR 30 2010  
Gov't. LBX Operations

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☒ A check for the amount of \$ 2,610.00 for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☐ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge \$ \_\_\_\_\_ to cover the payment of the fee(s) indicated below to Deposit Account No. \_\_\_\_\_.
4. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 08-1650.

\* Information required by 37 CFR 1.366(c) (columns 1 &amp; 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, &amp; 5).

Item	Patent Number*	U.S. Application Number* [e.g., 06/555,555]	Maintenance Fee Amount (37 CFR 1.20(e)-(g))	Surcharge Amount (37 CFR 1.20(h))	Payment Year (select one below)		
					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	6,408,979	09/525,365	\$2,480.00	\$130.00		X	
2							
3							
Subtotals, Columns 3 & 4			\$2,480.00	\$130.00			
Total Payment			\$2,610.00				

☐ additional sheets attached for listing additional patents.**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, \*\*

Customer's Signature Michael O. SturmCustomer's Name Michael O. SturmRegistration Number, if applicable: 26078Telephone: 515-288-9589Fax: 515-288-4860

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

\*\* WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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JUN 25 2010

Atty. Docket No. 2-5127-013

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **LARRY D. FORBES**  
Serial No. 09/525,365  
Filed: March 15, 2000  
Entitled: **NOISE ABATEMAN FILTER**

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JUL 02 2010

OFFICE OF PETITIONS

PATENT NO. 6,408,979

Issued: June 25, 2002

ASSIGNEE: MAHLE PARR FILTER SYSTEMS, INC.

DECLARATION

I, VICKI J. SHEPHERD, hereby declare:

1. That I reside in Des Moines, Iowa.
2. That I have been employed by the firm of Sturm & Fix LLP since September, 1977.
3. That A Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) was initially filed May 7, 2009 with a Petition to Expedite with regard to the first (1st) maintenance fee due December 25, 2005 for Patent No. 6,408,979.
4. Over the past several months, I have reviewed weekly (over 52 times) the PAIR system at the U.S. Patent and Trademark Office to determine the status of the initial Petition. The Office of Petitions was called on April 26, 2010; April 28, 2010; June 23, 2010 and June 25, 2010 and messages left on the voicemail system of April Wise. On April 28, 2010, Ms. Wise returned the telephone call to me, legal assistant Vicki Shepherd. During the conversation, I was informed by Ms. Wise that she had previously submitted her decision to her supervisor; and that it would be up to her supervisor to decide whether or not she agreed with Ms. Wise's assessment. She stated she had no idea when the supervisor would be acting on same. Ms. Wise then told me it could be beneficial for us to proceed to pay the second (2<sup>nd</sup>) maintenance fee due December 25, 2009. She stated it would probably not be accepted because there was not yet a final decision on our Petition, but that we would at least have proof we had attempted to timely pay it.

5. The second (2<sup>nd</sup>) maintenance fee was paid on April 28, 2010 (the same date as telephone conversation between Ms. Wise and myself). On May 10, 2010, we received Notice of Non-Acceptance of Patent Maintenance Fee (receipt of payment on April 30, 2010), and that it could not be accepted because, "No decision has been made on petition" (Box 8, Other:), and signed by Shannon Harrison.

6. As of today, June 25, 2010, we have still not received a decision on the initial Petition filed May 7, 2009. Because today is the final day for the second (2<sup>nd</sup>) maintenance fee to be paid with surcharge, we filed his Petition anticipating that the second (2<sup>nd</sup>) maintenance fee will be accepted.

I declare that all of the statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

June 25, 2010  
Date

Vicki J. Shepherd  
Vicki J. Shepherd





USPTO

5/7/2009 1:09:33 PM

PAGE 1/001

Fax Server

TO: Auto-reply fax to 515 288 5311 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 515 288 5311

Fax Information

Date Received:

5/7/2009 1:04:33 PM (Eastern Daylight Time)

Total Pages:

12 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

PRY-07 2009 THU 11:19 AM STURM & FIX LLP FAX NO. 515 288 5311 P. 01

U.S. Patent No. 6,408,979  
Serial No. 09/575,365

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

On \_\_\_\_\_ Date \_\_\_\_\_

*Remainder of previous fax.*

*[Signature]*  
Signature

NAME Shipped \_\_\_\_\_

(Typed or printed name of person signing Certificate)

Registration Number, if applicable \_\_\_\_\_

Telephone Number \_\_\_\_\_

Note: Each page must have its own certificate of transmission, or this certificate must accompany each transmittal page.

1. EXTENSION TO ABSTRACT UNLAWFULLY DISPLAYED PAYMENT OF MAINTENANCE FEE IN AN EXAMINING OFFICE (37 CFR 1.76(b)), 37 CFR 1.76(b), consisting of five pages;

2. NOTICE TO REOPEN EXAMINATION OF ONE ABSTRACT;

3. INFORMATION OF VIKING J. JOHNSON WITH BIRTHDAY A-T, consisting of 36 pages;

4. INFORMATION OF LARSEN J. LARSEN WITH BIRTHDAY A-T, consisting of 11 pages;

5. INFORMATION OF MINOR TROUBLE WITH EXHIBIT 1, consisting of five sheets;

ALL THE U.S. PATENT NO. 6,408,979 ISSUED JUNE 25, 2002 (Serial No. 09/575,365, U.S. Patent No. 6,408,979).

PAGE 11/30 \* RCVD AT 5/7/2009 1:04:33 PM (Eastern Daylight Time) \* SVR:USPTO-EFXXF-6/26 \* DNIS:2738300 \* CSID:515 288 4860 \* DURATION (mm-ss):08-00

JUN 25 2010

PTO/SB/05 (03-09)

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

2-515-288-4860  
**RECEIVED**Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

JUL 02 2010

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,408,979Application Number: 09/525,365Issue Date: 06/25/2002Filing Date: 03/15/2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- ☐ Is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

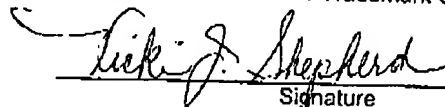
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

05/07/2009

Date

  
Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 3.

JUN 25 2010

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980.00	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 980.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 130.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 130.00

## 5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_
- ☒ Please charge Deposit Account No. 08-1650 the sum of \$ 1,110.00
- ☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 08-1650

PTO/SB/65 (03-09)

Approved for use through 03/31/2012 OMB 0651-0018  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 7. OVERPAYMENT

As to any overpayment made, please

☐

Credit to Deposit Account No. \_\_\_\_\_

OR

☒

Send refund check

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

/Michael O. Sturm/

Signature(s) of Petitioner(s)

05/07/2009

Date

Michael O. Sturm

Typed or printed name(s)

26078

Registration Number, if applicable

206 6th Ave - Suite 1213

Address

515-288-9589

Telephone Number

Des Moines, IA 50309-4076

Address

## ENCLOSURES:

☒

Maintenance Fee Payment

☒

Statement why maintenance fee was not paid timely

☒

Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)

☒

Other:

Petition to Expedite; Declarations with Exhibits

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

/Michael O. Sturm/

Signature

05/07/2009

Date

Michael O. Sturm

Type or printed name

26078

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See attached sheet for Statement.

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]

## STATEMENT (Page 4)

The attached Declarations of VICKI J. SHEPHERD, CAROLYN J. CAMPBELL, and MICHEL KHOURI, along with the accompanying EXHIBITS for each Declaration, show that care was taken to ensure the timely payment of the first maintenance fee for U.S. Patent No. 6,408,979 and that non payment of the maintenance fee was unavoidable. Mahle did indeed make payment for the first maintenance fee, along with the government surcharge for filing within the grace period. Sturm & Fix LLP did have the matter on their docket, but through a series of mistakes did not timely pay the maintenance fee on behalf of Mahle. The patent became marked as ABANDONED in the Sturm & Fix LLP docketing system because of a series of unusual circumstances, especially rendering an Invoice before payment by Mahle, and Mahle's payment of that Invoice which zeroed out the accounts receivable report. Normally a credit would be showing in Sturm & Fix LLP's books and alert Sturm & Fix LLP that the maintenance fee payment had been made by the client. This credit showing would further alert the Sturm & Fix LLP staff that the required maintenance fee had not been paid to the Patent Office. Under the just mentioned scenario Sturm & Fix LLP's normal procedure would be to pay the maintenance fee, remove the client's payment from the trust account and issue an Invoice to the client showing payment of the maintenance fee to the Patent Office. But, as explained in the attached Declarations, in this case the normal scenario did not happen, so Sturm & Fix LLP was not alerted in the normal ways that the maintenance fee had been authorized, but not paid to the United States Patent and Trademark Office.

**RECEIVED  
CENTRAL FAX CENTER**

**JUN 25 2010**

Atty. Docket 2-5127-013

Customer No. 00803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees: Larry D. FORBES, et al.

Assignee: MAHLE-Parr Filter Systems, Inc.

Patent No. **6,408,979**

Serial No. 09/525,365

Issued: June 25, 2002

Filed: March 15, 2000

For: NOISE ABATEMENT FILTER

**RECEIVED**

**JUL 02 2010**

OFFICE OF PETITIONS

**PETITION TO EXPEDITE**

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the attached **PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))** be processed on an expedited basis.

The fee of \$400 for this Petition to Expedite is being paid by Electronic Funds Transfer at the time of the on-line filing of same.

Respectfully submitted,  
MAHLE-PARR FILTER SYSTEMS, INC.

05/07/2009  
Date

By /Michael O. Sturm/  
Michael O. Sturm  
Reg. No. 26,078

STURM & FIX LLP  
206 Sixth Avenue - Suite 1213  
Des Moines, IA 50309-4076  
Phone: 515-288-9589  
Fax: 515-288-4860  
e-mail: [sturm@stfixllp.com](mailto:sturm@stfixllp.com)



Atty. Docket No. 2-5127-013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **LARRY D. FORBES**

Serial No.: 09/525,365

Filed: March 15, 2000

Entitled: **NOISE ABATEMENT FILTER**

PATENT No.: 6,408,979

Issued: June 25, 2002

ASSIGNEE: **MAHLE PARR FILTER SYSTEMS INC.**

RECEIVED

JUL 02 2010

OFFICE OF PETITIONS

DECLARATION

I, VICKI J. SHEPHERD, hereby declare:

1. That I reside in Des Moines, Iowa.
2. That I have been employed by the firm of Sturm & Fix LLP since September, 1977.
3. That with regard to maintenance fees due for our various clients, our procedure is to prepare and mail by first class mail a letter to the patentee/assignee in advance of the due date for payment of the required maintenance fee, along with an Informational Invoice showing the amount that will be required to be paid for the maintenance fee. In that letter, we request their response date for approximately 2 months from the date of the letter. If we do not hear from the patentee, or assignee, a second letter is sent out reminding them of the payment which is due to the Patent Office to keep the patent in force.
4. That the letter in this case was sent to Mahle-Parr in Winterset, Iowa by Carolyn Campbell, legal assistant in our Omaha, Nebraska office (EXHIBIT A). Mrs. Campbell handles payments of all maintenance fees along with her other duties. The Winterset, Iowa address is the address previously used for all correspondence to them with regard to maintenance fees. After not receiving a response to our letter, Mrs. Campbell prepared and mailed the second, reminder

letter (EXHIBIT B) on January 5, 2006. The letter was returned as the forwarding order had expired. After searching the internet, it was determined that the correct address to mail it to was 23030 Haggerty Road, Farmington Hills, MI 48335-2602 and the letter was re-sent to that address on January 18, 2006 from the Des Moines, Iowa office. (EXHIBIT C)

5. That on December 6, 2005, I sent an e-mail to Michael Sturm indicating that the maintenance fee letters and e-mails had been sent to Mahle Technology, and that to my knowledge no response(s) had been received from Mahle. (EXHIBIT D)

6. That on December 7, 2005 an e-mail was sent from Michael Sturm to Allen Ego of Mahle and our contact at that time, and also to John Feather, Director of Operations of Mahle, requesting instructions as to payment of the fee. (EXHIBIT E)

7. That we were informed by Mr. Ego on December 12, 2005 that they (Mahle) were in the process of moving his office and during the transition all documents were packed away. He also stated he would respond to us in the near future regarding this particular maintenance fee. (EXHIBIT F)

8. That on December 13, 2005, Mr. Sturm sent another e-mail to Mr. Ego informing him of an absolute deadline for him to make a decision by December 19, 2005. (EXHIBIT G)

9. That on December 21, 2005, another reminder e-mail was sent to Allen Ego of Mahle. (EXHIBIT H)

10. That on January 24, 2006, Jennifer Lewis of Mahle, called our Des Moines, Iowa office with regard to the maintenance fee due. I then sent an e-mail to Carolyn Campbell, to call Jennifer Lewis to discuss the maintenance fee as Ms. Lewis indicated that she thought "they" (Mahle) wanted to pay the maintenance fee. Mrs. Campbell returned the call and informed Ms. Lewis that she would need to receive the instructions and Mahle's payment to proceed with the

payment to the U.S. Patent and Trademark Office. (EXHIBIT I)

11. That on January 24, 2006 we were asked by Ms. Lewis to provide a "regular" Invoice rather than an Informational Invoice that would also show the amount due for payment of the fee, along with the government surcharge fee. A copy of that Invoice (EXHIBIT J) was forwarded to Ms. Lewis.

12. That on April 13, 2006, a check in the amount of \$1,015 was received in the Des Moines, Iowa office from Mahle in the amount of \$1,015.00 for payment of the maintenance fee (small entity) due for this case. (EXHIBIT K)

13. That on April 19, 2006, in checking the PTO website (PAIR), Mrs. Campbell found the Patent was listed as being a SMALL ENTITY. As the Patent had now had been assigned to Mahle, the correct status would be as LARGE ENTITY. Mrs. Campbell then sent an e-mail to Mr. Sturm asking him if they were, indeed, a large entity to which Mr. Sturm immediately replied (EXHIBIT L). On April 28, 2006, Mrs. Campbell then requested by e-mail that I prepare and have signed a Loss of Small Entity form. (EXHIBIT M) In a return e-mail (EXHIBIT N), I informed Mrs. Campbell that there were no attorneys available to execute the form on April 28, 2006, but it would be done on May 1, 2006. On May 1, 2006, the executed form was faxed to Mrs. Campbell along with an e-mail to inform her that the faxed document was being sent. (EXHIBIT O)

14. That on May 1, 2006, a Loss of Small Entity for this Patent was faxed to the PTO by Mrs. Campbell.

15. That on May, 18, 2006, I sent Mrs. Campbell an e-mail (EXHIBIT P) to inform her that we had received another payment from MAHLE in the amount of \$1,015 for their file 2-5127-013.

16. That on May 24, 2006, I sent an e-mail (EXHIBIT Q) to Mrs. Campbell to check the status on several maintenance fees due.

17. That on June 6, 2006 a docket was printed from the firm's docketing system (PATTSY) in Des Moines, Iowa and a copy e-mailed to Mrs. Campbell. The print-out indicated that the maintenance fee had not yet been paid. (EXHIBIT R)

18. That also on June 6, 2006, an e-mail was received from Mrs. Campbell (EXHIBIT S) stating that she would pay the maintenance fee due after I replenished our Deposit Account 08-1650. I then replied to this e-mail informing her to go ahead and pay the fee because I would replenish the deposit account immediately. Sometime after July 20, 2006, seeing the unpaid maintenance fee on the docket printed July 20, 2006 (EXHIBIT T) and failing to recognize it as the case for which we had received payment of the maintenance fee, and since the time for payment had passed, although I have no specific recollection, either I or Mrs. Campbell made an entry to our docketing system showing the case as abandoned.

19. That I was unaware of this mistake until shortly after April 29, 2009 when Michel Khouri of Mahle called our Des Moines, Iowa office and discussed this matter with Mr. Sturm. It was confirmed by Mr. Sturm and myself (from checking our docket system and PAIR) that the first maintenance fee for U.S. Patent No. 6,408,979 had not been paid.

20. That due to the unusual Invoice requested by Ms. Lewis, our billing system (Timeslips) failed to generate a credit balance report in spite of the fact that Mahle had sent us payment for the maintenance fee to be paid. The Informational Invoice sent out with our initial letter is not posted. An Invoice is prepared and mailed the same day the fee is paid and posted to the client's account at month end. Receipt of a requested maintenance fee payment from the "Informational Invoice" would be shown on our accounts receivable as a credit balance and would alert us that the payment had not been billed, nor had it been paid to the Patent Office. Due to the unusual Invoice requested by Ms. Lewis, our billing system failed to generate a credit balance report.

That fact, along with our docketing system having the status of the application showing as abandoned, made us unaware that the payment had not been made. Because these two items are used as methods for ascertaining that a payment was made, it was unavoidable that the maintenance fee in this particular case was not paid.

21. That I then reviewed my e-mail archives and located the e-mails noted in the above paragraphs.

22. That on May 1, 2009, Michael Sturm called Mr. Khouri to confirm that the maintenance fee had inadvertently not been paid despite MAHLE's instructions to pay it. Mr. Sturm also informed Mr. Khouri that Sturm & Fix LLP would prepare and file a Petition to Revive.

I declare that all of the statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: May 7, 2009

Vicki J. Shepherd  
Vicki J. Shepherd

## EXHIBIT A

RJ: United States Patent No.  
*Our File:*

The Patent Office requires the payment of maintenance fees for all issued utility patents. The fees become due 3½, 7½, and 11½ years after the date of issuance. If the fees are not timely paid, the patent lapses and all of your rights are lost.

Your first maintenance fee is now due in the amount of \$490 (United States Patent and Trademark Office fee.). Our charges for the docketing, maintenance and preparation of all required forms is \$500. This \$500 includes our keeping a current docket on the due dates for your upcoming maintenance fees, reminding you of the due date for payment of same, and follow up letters.

Please forward your payment to us by  
in the amount of \$990. Upon our receipt of same we will proceed with paying the fee to the United States Patent and Trademark Office.

You may receive a letter from a NON-GOVERNMENT entity attempting to mislead you into believing they are an agency of the United States Government, i.e., United States Patent and Trademark Office, and offering their services to you regarding payment of the current maintenance fee due on your patent. We would encourage you to ignore their letter and their request for money. If you have questions regarding receipt of this non-government letter, please call me at once to discuss it further.

We also take this opportunity to remind you to promptly let us know if your status changes from "small" to "large" entity so that we may prepare the necessary forms for filing in the U.S. Patent and Trademark Office, as required. If you have licensed this Patent to a company having more than 500 employees - including all affiliates, we must have this information before payment of your current maintenance fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

- ☐ YES, please pay the current maintenance fee. My check for \$990 enclosed.
- ☐ YES, please pay this maintenance fee. However, small entity status no longer applies. My check for \$1,480 is enclosed.
- ☐ NO, please **DO NOT** pay this maintenance fee. I understand that by not paying the current fee, the patent will lapse and all rights will be lost.

\_\_\_\_\_  
Date: \_\_\_\_\_

**EXHIBIT B**

**RE: United States Patent No.**  
***Our File:***

On we wrote to you regarding a maintenance fee that is required to be paid to the Patent Office with respect to the above patent.

To date we have not received your instructions and check to pay same.

Unless we have your check in our office on or before in the amount of \$, we will withdraw from further representation in this matter.

Please be advised that failure to pay this maintenance fee to the Patent Office will result in abandonment of your patent.

Sincerely,



Vicki Shepherd - Re: MAHLE letter

Page 1

## EXHIBIT C

From: Vicki Shepherd  
To: Carolyn Campbell  
Date: Wed, Jan 18, 2006 3:58 PM  
Subject: Re: MAHLE letter

Done!

>>> "Carolyn Campbell" <Campbell@hslp.com> Wednesday, January 18, 2006 >>>  
Thanks, please resend.

Carolyn J. Campbell  
Sturm & Fix LLP  
[campbell@hslp.com](mailto:campbell@hslp.com)  
Phone: (402) 398-9000  
Fax: (402) 398-9005

This e-mail message, including any attachments, contains information from the law firm of Sturm & Fix LLP and may include information which is confidential and privileged. These materials are intended for the sole use of the intended recipient(s). If you are not an intended recipient, you are hereby notified that review, use, disclosure, distribution, copying, or the taking of any action in reliance on this material is prohibited. If you are not the intended recipient, please immediately contact the sender by return e-mail and destroy all copies of the original message.

>>> "Vicki Shepherd" <[shepherd@hslp.com](mailto:shepherd@hslp.com)> 1/18/2006 3:09:06 PM >>>  
The letter you sent to Allen Ego on January 5 w/r/t the maintenance fee  
past due 5127-013, was returned as forwarding time has expired. The  
"new" address is

23030 Haggerty Rd.  
Farmington Hills, MI 48335-2602

Do you want me to just put it in a new envelope and send?

## EXHIBIT D

----- Message from "Vicki Shepherd"  
<"shepherd@hslip.com".GWIA.GRPWSE@hslip.com> on Tue, 06 Dec 2005  
15:07:47  
-0600 -----  
To:  
"Michael Sturm" <sturm@hslip.com>  
cc:  
"Carolyn Campbell" <Campbell@hslip.com>  
Subject:  
URGENT - Mahle-Parr  
Mike:

I have sent e-mail and CJC has sent letters w/r/t the following and  
can't get a response from Mahle-Parr:

## Fuel Filter and Pressure Regulator System Apparatus

MEXICO	2-5127-032	No. 178618
1/6/2006	ANNUITY DUE	
GERMANY	2-5127-026	No.
69104174.1		
12/31/2005	ANNUITY DUE	
CANADA	2-5127-033	No. 2,057,599
12/13/2005	ANNUITY DUE	
Noise Abatement Filter		
U.S.	2-5127-013	No.
6,408,979		
12/25/2005	1ST MAINT FEE DUE	

"Michael Sturm" <[sturm@hsllp.com](mailto:sturm@hsllp.com)>  
12/07/2005 06:17 PM

EXHIBIT E

To  
<[Allen.Ego@us.mahle.com](mailto:Allen.Ego@us.mahle.com)>, <[john.feather@us.mahle.com](mailto:john.feather@us.mahle.com)>  
cc

Subject  
Fwd: URGENT - Mahle-Parr

Allen and John,

Please give us instructions. Our letters to you have gone unanswered.

Michael O. Sturm  
Sturm & Fix LLP  
[sturm@hsllp.com](mailto:sturm@hsllp.com)  
Phone: (515) 288-9589  
Direct Phone: (515) 244-2866  
Fax: (515) 288-4860  
Web site: [www.hsllp.com](http://www.hsllp.com)

This email message, including any attachments, contains information from the law firm of Sturm & Fix LLP and may include information which is confidential and privileged. These materials are intended for the sole use of the intended recipient(s). If you are not an intended recipient, you are hereby notified that review, use, disclosure, distribution, copying or the taking of any action in reliance on this material is prohibited. If you are not the intended recipient, please immediately contact the sender by return email and destroy all copies of the original message.

## EXHIBIT F

>>> <Allen.Ego@us.mahle.com> Monday, December 12, 2005 >>>  
Michael,

I was instructed to keep these updated but it will take me at least until next week to get the PO req written since we are in process of moving furniture in the office again and all my documents are packed up. Let me know if this is OK.

Regards,  
Allen Ego

MAHLE Technology, Inc.  
Air and Liquid Management, AND/LDN 1.3

23030 Haggerty Road, Farmington Hills, MI, 48335 USA  
Phone: 248.735.3649, Fax: 248.735-3618  
Mobile: 248.379.6868  
allen.ego@us.mahle.com, Web: http://www.us.mahle.com

## EXHIBIT G

From: Michael Sturm (Vicki Shepherd)  
To: Allen.Ego@us.mahle.com  
Date: Tuesday, December 13, 2005 9:37:39 AM  
Subject: Re: Fwd: URGENT - Mahle-Parr

Allen:

We received instructions yesterday from Greg Wilcox at the Nyemaster firm to proceed with the annuity payment due today for the Canadian Patent, per the instructions he received from Germany.

The annuities that still require attention are:

MEXICO 2-5127-032 No. 178618  
1/6/2006 ANNUITY DUE

GERMANY 2-5127-026 No. 69104174.1  
12/31/2005 ANNUITY DUE

Because of the upcoming holidays, most of our foreign associates will be closed for several days during the time frame these annuities are due.

THEREFORE, WE MUST HAVE YOUR INSTRUCTIONS NO LATER THAN MONDAY, DECEMBER 19, 2005. This date would also apply to the U.S. Maintenance Fee due for U.S. Patent No. 6,408,979 which is due December 25, 2005.

If you have any questions or need additional information, please do not hesitate to contact me.

Best Regards,

Mike

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JUN 25 2010

SHEET 2

PTO/SB/97 (07-05)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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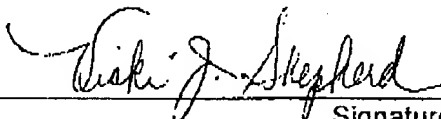
U.S. PATENT NO. 6,408,979  
Serial No. 09/525,365

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on June 25, 2010

Date

REMAINDER OF  
PREVIOUS FAX

Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

515-288-9589

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED PATENT (37 CFR 1.378b)), with regard to the SECOND MAINTENANCE FEE;
2. NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE dated May 4, 2010;
3. DECLARATION OF VICKI J. SHEPHERD dated June 25, 2010;
4. COPY OF FIRST PETITION to accept unavoidably DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED PATENT (37 CFR 1.378b)), with regard to the FIRST MAINTENANCE FEE; and
5. COPIES OF ALL DECLARATIONS AND ATTACHMENTS PREVIOUSLY FILED with regard to #4. Above, all for U.S. Patent No. 6,408,979, Serial No. 09/525,365.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SHEET 2

Vicki Shepherd - MAIILE-Parr 5127-013

Page 1

**EXHIBIT 1**

**From:** Vicki Shepherd  
**To:** Campbell@hslp.com  
**Date:** Tue, Jan 24, 2006 3:12 PM  
**Subject:** MAIILE-Parr 5127-013

Please call Jennifer Lewis at 248-735-3660 ASAP. She thinks they want to pay the maintenance fee.

## EXHIBIT II

**From:** Michael Sturm (Vicki Shepherd)  
**To:** allen.ego@us.mahle.com  
**Date:** Wednesday, December 21, 2005 2:51:11 PM  
**Subject:** German and Mexican Annuities due

Per our earlier letters (Sept. 20 and Nov. 23, 2005) and e-mails (Dec. 6, 7 and 12), we have requested your instructions with regard to:

Mexico Patent No. 178,618 (2-5127-032) annuity due **JANUARY 6, 2006**

German Patent No. 69104174.1 (2-5127-026) annuity due **DECEMBER 31, 2005** (foreign associates will be closed beginning tomorrow until January, 2006!)

U.S. Patent No. 6,408,979 - maintenance fee due **DECEMBER 25, 2005** (must be paid by Friday, December 23, 2005).

The time for receiving your instructions and making this payments is extremely short. Please forward to us your instructions **immediately**.

Thank you for your attention to these matters.



RECEIVED

JUL 02 2010

OFFICE OF PETITIONS

EXHIBIT J

January 25, 2006

Invoice: 25899

LAW OFFICES  
**STURM & FIX LLP**STE 1213  
206 SIXTH AVENUE  
DES MOINES IA 50309-4076TELEFAX (515) 288-4860  
TELEPHONE (515) 288-9589MAHLE TENNEX NORTH AMERICA  
505 E MADISON  
WINTERSSET IA 50273

In Reference To: **UNITED STATES Patent Application S.N. 09/525,365 filed March 15, 2000 "Noise Abatement Filter" - Larry D. Forbes - assigned to Parr Manufacturing - now U.S. Patent No. 6,408,979 issued June 25, 2002 2-5127-013**

Legal Services:

	<u>Amount</u>
1/31/2006 Review of docket and all written correspondence regarding deadline for current maintenance fee due; preparation and filing of all required documents and fees with the Patent Office; receipt, review, docketing and written correspondence regarding acknowledgement from Patent Office for payment of fee; review and docketing of next required maintenance fee. All follow up communications regarding necessity of paying maintenance fee before due date of December 5, 2005.	350.00
For professional services rendered	150.00
	<u>\$500.00</u>

Additional Charges :

1/31/2006 Patent Office fee - payment of first maintenance fee	450.00
Patent Office surcharge for late filing of first maintenance fee	65.00
Total costs	<u>\$515.00</u>
Total amount of this bill	<u>\$1,015.00</u>
Balance due	<u>\$1,015.00</u>

WHEN MAKING PAYMENT, PLEASE REFER TO CLIENT/ACCOUNT REFERENCE NUMBER 5127-013

WE APPRECIATE YOUR BUSINESS

DEPOSIT REPORT OF 33-22  
730

STURM & FIX LLP - DES MOINES  
206 SIXTH AVENUE SUITE 1213  
DES MOINES, IA 50309



Wells Fargo Bank Iowa, N.A.  
Des Moines  
www.wellsfargo.com

EXHIBIT K

DATE 4-13-06

DEPOSIT MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

	DOLLARS	CENTS
CURRENCY		
COIN		
CHECKS LIST EACH SEPARATELY		
1 [REDACTED]		
2 [REDACTED]		
3 <i>Mable</i>	1	015
4 <i>5/29-013</i>		
5 [REDACTED]		
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02:34 PM 04/14/06  
Thank you for banking with Wells Fargo  
Account: 0239058166  
Credited: 04/14/06 10:01 AM

Checks and other items are received for deposit  
subject to the provisions of the Uniform Commercial  
Code or any applicable collection agreement.

**Vicki Shepherd - Re: MAHLE TENNEX****EXHIBIT L**

**From:** Michael Sturm  
**To:** Carolyn Campbell  
**Date:** Wednesday, April 19, 2006 1:21 PM  
**Subject:** Re: MAHLE TENNEX  
**CC:** Richard Fix; Vicki Shepherd

LARGE. Tennex is huge and has lots of subsidiary companies like Mahle Tennex. They are like a fortune 500 company, i.e. one of the 500 biggest companies in the country.

>>> "Carolyn Campbell" <Campbell@hslip.com> 4/19/2006 12:37:48 PM >>>  
I can't get into Patsy to check this out - are they large or small entity. I am doing a final letter to Allen Ego telling him that after June 25, 2006 if the maintenance fee is not paid the patent becomes abandoned and rights are terminated, but I don't know what fee to apply, small or large?

Carolyn J. Campbell  
Sturm & Fix LLP  
campbell@hslip.com  
Phone: (402) 398-9000  
Fax: (402) 398-9005

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Vicki Shepherd - Mahle

Page 1

**EXHIBIT M**

**From:** Carolyn Campbell  
**To:** Vicki Shepherd  
**Date:** Fri, Apr 28, 2006 2:39 PM  
**Subject:** Mahle

Would you please shoot off a LOSS OF SMALL ENTITY STATUS on Mahle 5127-013, for Patent No. 6,408,979. They are still on the PTO website maintenance fee payment as small entity. Their maintenance fee is due by June 25, 2006 with the surcharge so if the LOSS document gets going, we can wait until June to pay it since they have paid us for it.

Carolyn J. Campbell  
Sturm & Fix LLP  
campbell@hsllp.com  
Phone: (402) 398-9000  
Fax: (402) 398-9005

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Vicki Shepherd - Re: Mahle

Page 1

## EXHIBIT N

**From:** Vicki Shepherd  
**To:** Carolyn Campbell  
**Date:** Fri, Apr 28, 2006 2:54 PM  
**Subject:** Re: Mahle

No one here to sign - MOS at Relays, RLF left (he's still not feeling well). Will do it on Monday.

>>> Carolyn Campbell Friday, April 28, 2006 >>>

Would you please shoot off a LOSS OF SMALL ENTITY STATUS on Mahle 5127-013, for Patent No. 6,408,979. They are still on the PTO website maintenance fee payment as small entity. Their maintenance fee is due by June 25, 2006 with the surcharge so if the LOSS document gets going, we can wait until June to pay it since they have paid us for it.

Carolyn J. Campbell  
Sturm & Fix LLP  
[campbell@hsllp.com](mailto:campbell@hsllp.com)  
Phone: (402) 398-9000  
Fax: (402) 398-9005

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Vicki Shepherd - MAHLE-Parr

Page 1

**EXHIBIT O**

**From:** Vicki Shepherd  
**To:** Carolyn Campbell  
**Date:** Mon, May 1, 2006 4:26 PM  
**Subject:** MAHLE-Parr

Before I forget to tell ya, I just faxed the Change to Large Entity for that case as you requested.

Vicki Shepherd - Mahle 5127-013

Page 1

EXHIBIT P

From: Vicki Shepherd  
To: Carolyn Campbell  
Date: Thu, May 18, 2006 4:39 PM  
Subject: Mahle 5127-013

They have paid \$1,015--just so you know

Vicki Shepherd - Re: Just checkin'

Page 1

## EXHIBIT Q

From: Carolyn Campbell  
To: Vicki Shepherd  
Date: Wed, May 24, 2006 1:41 PM  
Subject: Re: Just checkin'

Just looking at this, waiting to hear or not heard anything.

Carolyn J. Campbell  
Sturm & Fix LLP  
campbell@hsllp.com  
Phone: (402) 398-9000  
Fax: (402) 398-9005

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>>> Vicki Shepherd 05/24 1:17 PM >>>  
On these main. fees:

3-5483-001 Paulhill  
3-5504-001 Liddell  
3-1934-001 Klouda (he called; he's trying to get an investor and then will pay??!!)  
5-1595-001 Nelson  
3-5519-001 Merkel  
3-1243-001 May  
3-0192-002 Scrivner  
2-5030-001 CCC  
2-0153-009 Cronin  
5-5537-001 Perkins (I know; we're waiting because of the status screw-up by PTO)  
2-5127-013 Mahle  
5-1598-001 Larson  
6-0153-011 Sakura

**TM Declarations/Renewals**

6-1045-004 Moffat  
2-5030-025 CCC  
6-1047-001 Borden  
2-5030-021 CCC  
2-5030-023 CCC  
2-5030-026 CCC  
3-1902-001 Denning

and that takes us through June.



## Urgent Global Docket

Through: 7/3/2006

ATTY/ATTY2

DUE PARA

June 2006

REFERENCE#	TITLE / MARK	CLIENT	REGISTRATION#	ACTION	CURRENT EXT	EXT AVAILABLE
3-1189-243	Storage Container	Sportstuff, Inc.	(US) 11010,001	STATUS CHECK	0	None
2-0153-009	Probe for High Frequency Transducer of the Skin	CRONIN Intellectual Property	(US) 6,497,702	1ST MAINT FEE DUE	0	1 Exd6 Mnth
2-5127-013	Noise Absorbent Filter	MAHLE-Parr Filter Systems, Inc.	(US) 6,408,979	1ST MAINT FEE DUE	1	None
3-1902-031	STREAK AWAY	DENNING EQUIPMENT INC.	(US) 1,982,840	RENEWAL	0	1 Exd6 Mnth
5-1588-001	Blasting Connector System and Method of Use	LARSON, Larry J.	(US) 5,375,524	3RD MAINT FEE DUE	0	1 Exd6 Mnth
5-1544-001	Memory Enhancing Game	STOUGHTON, George E. Jr.	(US) 5,855,370	2ND MAINT FEE DUE	0	1 Exd6 Mnth
2-5127-032	Fuel Filter and Pressure Regulator System App	MAHLE-Parr Filter Systems, Inc.	(MX) 178818	ANNUITY DUE	1	None
5-0165-003	Improved Angularly Adjustable Traction Apparatus	MOSS, Dr. John	(US) 6,788,827	BROADENED REISSUE DL	0	None
2-5139-002	QUICK CHANGE PHOTO FRAME and Design	Quik Change Photo Frame	(US) 2,366,119	AFFIDAVIT OF USE	0	1 Exd8 Mnth
2-5580-002	MISCELLANEOUS DESIGN	NATIONAL PORK BOARD	(US) 2,366,080	AFFIDAVIT OF USE	0	1 Exd8 Mnth
2-5127-008	Plastic Fuel Filter with Conductive Coating for	MAHLE-Parr Filter Systems, Inc.	(US) 5,382,359	3RD MAINT FEE DUE	0	1 Exd6 Mnth
3-0282-002	1 CCC and Design	CRETE CARRIER CORP	(US) 78/674,849	STATUS CHECK	0	None
3-1189-271	BIOTECH	Sportstuff, Inc.	(US) 78/613,835	STATUS CHECK	0	None
3-1189-301	AQUATIC FLOAT (Lotus)	Sportstuff, Inc.	(US) 29/252,441	FOREIGN FILING DUE	0	None
3-1189-306	Inflatable Float (Track-Hi-Tube 3)	Sportstuff, Inc.	(US) 28/252,439	FOREIGN FILING DUE	0	None
3-5262-004	E-Z CONSUMPTION METER	Easy Automation, Inc.	(US) 1,951,207	RENEWAL	1	None
3-1189-244	Inflatable Snowman Globe	Sportstuff, Inc.	(US) 29/222,252	STATUS CHECK	0	None
1-5056-034	Custom Orthotic Foot Support Assembly	Foot Levisers, Inc.	(US) 6,510,626	1ST MAINT FEE DUE	0	1 Exd6 Mnth
3-1189-252	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29/227,807	ISSUE FEE	0	None
3-1189-253	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29/227,805	ISSUE FEE	0	None
3-1189-254	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29/227,826	ISSUE FEE	0	None
3-1189-255	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29/227,025	ISSUE FEE	0	None
3-1189-256	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29/227,824	ISSUE FEE	0	None
3-1189-257	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29/227,821	ISSUE FEE	0	None

EXHIBIT B

Vicki Shepherd - Re: Fwd: Mahle 5127-013

Page 1

## EXHIBIT S

**From:** Vicki Shepherd  
**To:** Carolyn Campbell  
**Date:** Tue, Jun 6, 2006 2:43 PM  
**Subject:** Re: Fwd: Mahle 5127-013

Go ahead and pay because I will send money in today.

>>> Carolyn Campbell Tuesday, June 06, 2006 >>>

Oh she made this big deal to Debbie about how she couldn't pay from the "informational ..." So yes, I will pay theirs after you send more money.

Carolyn J. Campbell  
Sturm & Fix LLP  
[campbell@hsllp.com](mailto:campbell@hsllp.com)  
Phone: (402) 398-9000  
Fax: (402) 398-9005

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>>> Vicki Shepherd 06/06 2:39 PM >>>  
In response to your question...

obviously, someone there can pay from an informational invoice!

## Urgent Global Docket

Through 6/23/2006

Printed: 7/23/2006

Page

ATTY:ATTY2

DATE	PARA	REFERENCE#	TITLE/MARK	CLIENT	REGISTRATION#	ACTION	CURRENT EXT	EXT AVAILABLE
June 2006								
0 Sat	RLF/m/a/CJC	3-1189-243	Storage Containers	Sportstuff, Inc.	(US) 11/010,001	STATUS CHECK	0	None
5 Sun	MOS/m/a/VJS	2-5127-013	Noise Abatement Fite	MAHLE-Par Filter Systems, Inc.	(US) 6,409,373	1ST MAINT FEE DUE	1	None
July 2006								
9 Thu	WHW/m/a/CJC	5-0105-003	Improved Angularly Adjustable Traction Apparatus MOSS, Dr. John					
3 Sun	RLF/m/a/CJC	3-1189-301	AQUATIC FLOAT (Louie)	Sportstuff, Inc.	(US) 6,758,827	BROADENED REISSUE DL	0	None
3 Sun	RLF/m/a/CJC	3-1189-306	Inflatable Float (Trek-N-Tube 3)	Sportstuff, Inc.	(US) 29/252,441	FOREIGN FILING DUE	0	None
3 Sun	RLF/RLF/VJS	3-5262-004	E-Z CONSUMPTION METER	Sportstuff, Inc.	(US) 29/252,439	FOREIGN FILING DUE	0	None
7 Thu	RLF/m/a/CJC	3-1189-244	Inflatable Snowman Globe	Easy Automation, Inc.	(US) 1,951,207	RENEWAL	1	None
1 Fri	RLF/m/a/CJC	3-1189-252	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29/222,252	STATUS CHECK	0	None
1 Fri	RLF/m/a/CJC	3-1189-253	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29/227,607	ISSUE FEE	0	None
1 Fri	RLF/m/a/CJC	3-1189-254	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29/227,806	ISSUE FEE	0	None
1 Fri	RLF/m/a/CJC	3-1189-255	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29/227,826	ISSUE FEE	0	None
1 Fri	RLF/m/a/CJC	3-1189-256	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29/227,825	ISSUE FEE	0	None
1 Fri	RLF/m/a/CJC	3-1189-257	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29/227,824	ISSUE FEE	0	None
1 Fri	RLF/m/a/CJC	3-1189-259	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29/227,823	ISSUE FEE	0	None
1 Fri	RLF/m/a/CJC	3-1189-259	Inflatable Canopy Lounge (Double Longitudinal)	Sportstuff, Inc.	(US) 29/227,821	ISSUE FEE	0	None
1 Sun	WHW/m/a/CJC	5-1193-005	Multi-Layer/Knee Pad Construction	ALDRICH, Friederick	(US) 6,425,135	1ST MAINT FEE DUE	1	None
August 2006								
1 Tue	RLF/m/a/CJC	3-1189-236	Inflatable Towable Kite (D-Shape Double Skin)	Sportstuff, Inc.	(US) 29/237,459	ISSUE FEE	0	None
1 Tue	RLF/m/a/CJC	3-1189-258	Inflatable Aquatic Lounge	Sportstuff, Inc.	(US) 29/243,821	ISSUE FEE	0	None
1 Tue	RLF/m/a/CJC	3-1189-299	Inflatable Towable Water Kite	Sportstuff, Inc.	(US) 29/244,912	ISSUE FEE	0	None
1 Wed	RLF/m/a/CJC	3-1189-268	TUBE KITTING	Sportstuff, Inc.	(US) 78/576,358	FINAL REJECTION	0	None
1 Wed	RLF/m/a/CJC	3-1189-268	TUBE KITTING	Sportstuff, Inc.	(US) 78/576,358	NOTICE OF APPEAL	0	None
1 Thu	RLF/m/a/CJC	3-1189-238	TOW ROPE CADDY (small holes)	Sportstuff, Inc.	(US) 29/210,191	ISSUE FEE	0	None
05 Sat	MOS/MOS/VJS	1-5056-004	DESIGN (FOOT LEVELERS)	Foot Levelers, Inc.	(US) 1,403,697	RENEWAL	0	1 Excl's Month
05 Sat	MOS/MOS/VJS	1-5056-011	LADY LEVELERS	Foot Levelers, Inc.	(US) 1,403,903	RENEWAL	0	1 Excl's Month

EXHIBIT T

**RECEIVED  
CENTRAL FAX CENTER****JUN 25 2010****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **LARRY D. FORBES**  
Serial No.: 09/525,365  
Filed: March 15, 2000  
Entitled: **NOISE ABATEMENT FILTER**

PATENT No.: 6,408,979

Issued: June 25, 2002

**ASSIGNEE: MAHLE PARR FILTER SYSTEMS INC.****DECLARATION**

CAROLYN J. CAMPBELL, hereby declares:

1. That I have been employed by the firm of Sturm & Fix LLP since October 1976.
2. That part of my job duties is to review the docket for upcoming maintenance fees that are due to the United States Patent and Trademark Office in a timely manner. The docket is generally reviewed at least two (2) months in advance of the 3, 7, and 11 year anniversary dates of the issue date of patent.
3. That at least two months in advance of the anniversary date of the issue date I send out a first letter to the patentee or assignee advising them of the due date of the maintenance fee and request their instructions for payment of the fee. An "Informational Invoice" is attached to that letter showing the amount due and the requested date that we would like to have their instructions for payment or non-payment of the current maintenance fee due. (A blank copy of that letter designated EXHIBIT A is attached hereto.)
4. That if no response is received from the patentee or assignee to the first letter, a second letter is sent out informing the patentee or assignee that we have not received any instructions regarding payment of maintenance fee from our letter previously sent to them. In this letter, we clearly state that if the maintenance fee is not paid, the patent will become abandoned. (A blank copy of that letter designated EXHIBIT B) is attached hereto.
5. That I did send the appropriate letters to Mahle Technology in 2005 and 2006.
6. That on January 25, 2006 at the request of Jennifer Lewis of Mahle Technology, I prepared and mailed an Invoice designated Invoice No. 25899 to Mahle Tennex North

America, 505 E. Madison, Winterset, IA 50273, in the amount of \$1,015 for payment of the first maintenance fee and late payment surcharge. Ms. Lewis requested an Invoice showing all fees that would be due. Ms. Lewis further informed us that Mahle cannot pay from the "Informational Invoice" which was previously sent with the first letter notifying Mahle of the upcoming maintenance fee due. This was an unusual occurrence in that a regular month end Invoice was requested prior to the fee being paid. Receipt of the requested maintenance fee payment from the "Informational Invoice" would be shown on our accounts receivable as a credit balance and would alert us that the payment had not been billed, nor had it been paid. An Invoice is prepared and mailed the same day the fee is paid. Due to the unusual Invoice requested by Ms. Lewis, our billing system failed to generate a credit balance report.

7. That on April 13, 2006 (three months after mailing the requested Invoice), our Des Moines office received and deposited a check from Mahle Technology in the amount of \$1,015 for payment of the current maintenance fee and late payment surcharge. Normally when a maintenance fee payment is received, that payment would go directly into our trust account instead of the regular checking account. That payment would remain in the trust account until the payment is made to the Patent Office. At that time the payment is removed from the trust account and transferred to the regular checking account. Since an Invoice had been rendered for the maintenance fee prior to receiving the payment, the check was deposited into the regular checking account.

8. That my procedure when paying maintenance fees for corporations, etc., is to check their status both in the firm's records and in PAIR. That on or about April 28, 2006, I discovered that Mahle was a LARGE ENTITY instead of a SMALL ENTITY and I asked our Des Moines office to prepare a LOSS OF SMALL ENTITY STATUS which I could then fax to the Patent Office.

9. That I believe at this point there must have been a telephone call or e-mail message to Mahle indicating that additional fees would be required for payment of a LARGE ENTITY, instead of SMALL ENTITY as indicated in Invoice 25899 sent at the request of Jennifer Lewis. (EXHIBIT C)

10. That on April 27, 2006 we received a second payment from Mahle in the amount of \$1,015. After posting the \$1,015 to Mahle's account, it was noticed that the additional amounts due for LARGE ENTITY had not been billed to Mahle.

11. That on April 28, 2006 I prepared and mailed to Mahle Invoice 26502 in the amount of \$515 for the additional government fees for a status of LARGE ENTITY. After posting the payment of \$1,015 to their account it was noted that they had a credit balance of \$500. The \$500 was transferred to another account for them which also had a

maintenance fee due. (EXHIBIT D)

12. That on or about May 1, 2006, I faxed a LOSS OF SMALL ENTITY STATUS to the Patent Office for the patent referenced above, U.S. Patent No. 6,408,979.

13. That knowing that it takes several days for the U.S. Patent Office, Maintenance Fee Division to correct and post updated information, I did not make the payment at this time. If payment for a maintenance fee as a large entity was made prior to the updating of the status of Mahle, the payment would either be entered as a small entity payment rate and the extra monies refunded, or the payment could have been refused. Therefore, my procedure is to wait several days to make sure the Patent Office has posted the updated information.

14. That even though the maintenance fee due was on the docket for June 25, 2006, unfortunately I thought I had paid it so I did not do any follow-up on it and the fee was not paid.

15. That after June 25, 2006, the docketing system showed the Patent as still current. (EXHIBIT E). The file was marked ABANDONED sometime after July 20, 2006. (EXHIBIT F) attached hereto. Sometime after June 25, 2006, seeing the unpaid maintenance fee on the docket and failing to recognize it as the case for which we had received payment of the maintenance fee, and since the time for payment had passed, although I have no specific recollection, either Mrs. Shepherd or myself made an entry to our docketing system showing the case as abandoned. I was unaware of this mistake until shortly after April 29, 2009 when we were notified by Mahle that the patent was expired, in spite of the fact that Mahle had sent the payment to us for the maintenance fee.

16. That on or about January 2008 I contacted the Des Moines office, who receives all payments on all accounts receivables, and asked that when they receive a payment for a maintenance fee, that I be notified. Usually, a copy of the maintenance fee due letter is returned with the client's payment so we know that the fee payment being made is actually for the payment of the current maintenance fee due. The Des Moines office sends me an e-mail stating that a particular client has paid the maintenance fee for the current maintenance fee due. At the time of the receipt of the e-mail, I pull the file copy of the letter retained in the Omaha office and mark in red ink the date the payment was received on the top of my copy of the letter. The letter is then placed in a follow up file which file is checked weekly. We do allow at least ten (10) days from deposit of the payment from the client for the payment to clear the bank. At least weekly, I check the aforementioned file to determine if the ten (10) days has passed, at which time I will pay the fee.

17. That since the three places where we normally check for pending matters, which is credit balances on our accounts, on our docketing system, and money deposited into our trust account, no pending maintenance fee for this particular Mahle case was showing. The accounts receivable was at a zero balance due to the Invoice submitted to Mahle prior to receipt of the payment, and then their payment of the Invoice. The docket was showing not showing the maintenance fee as pending, as it had been marked ABANDONED and no longer would show up on the print out of pending matters.

I declare that all of the statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Carolyn J. Campbell  
Carolyn J. Campbell

Dated: *May 7, 2009*

## EXHIBIT A

RE United States Patent No.  
*Our File:*

The Patent Office requires the payment of maintenance fees for all issued utility patents. The fees become due 3½, 7½, and 11½ years after the date of issuance. If the fees are not timely paid, the patent lapses and all of your rights are lost.

Your first maintenance fee is now due in the amount of \$490 (United States Patent and Trademark Office fee.). Our charges for the docketing, maintenance and preparation of all required forms is \$500. This \$500 includes our keeping a current docket on the due dates for your upcoming maintenance fees, reminding you of the due date for payment of same, and follow up letters.

Please forward your payment to us by  
in the amount of \$990. Upon our receipt of same we will proceed with paying the fee to the United States Patent and Trademark Office.

You may receive a letter from a NON-GOVERNMENT entity attempting to mislead you into believing they are an agency of the United States Government, i.e., United States Patent and Trademark Office, and offering their services to you regarding payment of the current maintenance fee due on your patent. We would encourage you to ignore their letter and their request for money. If you have questions regarding receipt of this non-government letter, please call me at once to discuss it further.



We also take this opportunity to remind you to promptly let us know if your status changes from "small" to "large" entity so that we may prepare the necessary forms for filing in the U.S. Patent and Trademark Office, as required. If you have licensed this Patent to a company having more than 500 employees - including all affiliates, we must have this information before payment of your current maintenance fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

- ☐ **YES**, please pay the current maintenance fee. My check for \$990 enclosed.
- ☐ **YES**, please pay this maintenance fee. However, small entity status no longer applies. My check for \$1,480 is enclosed.
- ☐ **NO**, please **DO NOT** pay this maintenance fee. I understand that by not paying the current fee, the patent will lapse and all rights will be lost.

\_\_\_\_\_  
Date: \_\_\_\_\_

EXHIBIT B

RE: **United States Patent No.**  
***Our File:***

On we wrote to you regarding a maintenance fee that is required to be paid to the Patent Office with respect to the above patent.

To date we have not received your instructions and check to pay same.

Unless we have your check in our office on or before in the amount of \$, we will withdraw from further representation in this matter.

Please be advised that failure to pay this maintenance fee to the Patent Office will result in abandonment of your patent.

Sincerely,

LAW OFFICES  
**STURM & FIX LLP**STE 1213  
206 SIXTH AVENUE  
DES MOINES IA 50309-4076TELEFAX (515) 288-4860  
TELEPHONE (515) 288-9589RECEIVED  
CENTRAL FAX CENTER  
**JUN 25 2010**

EXHIBIT C

RECEIVED

January 25, 2006

Invoice: 25899

JUL 02 2010

OFFICE OF PETITIONS

MAHLE TENNEX NORTH AMERICA  
505 E MADISON  
WINTERSET IA 50273

In Reference To: **UNITED STATES Patent Application S.N. 09/525,365 filed March 15, 2000 "Noise Abatement Filter" - Larry D. Forbes - assigned to Parr Manufacturing - now U.S. Patent No. 6,408,979 issued June 25, 2002 2-5127-013**

Legal Services:

	<u>Amount</u>
1/31/2006 Review of docket and all written correspondence regarding deadline for current maintenance fee due; preparation and filing of all required documents and fees with the Patent Office; receipt, review, docketing and written correspondence regarding acknowledgement from Patent Office for payment of fee; review and docketing of next required maintenance fee. All follow up communications regarding necessity of paying maintenance fee before due date of December 5, 2005.	350.00
For professional services rendered	150.00
	<u>\$500.00</u>

Additional Charges :

1/31/2006 Patent Office fee - payment of first maintenance fee	450.00
Patent Office surcharge for late filing of first maintenance fee	65.00
Total costs	<u>\$515.00</u>
Total amount of this bill	<u>\$1,015.00</u>
Balance due	<u>\$1,015.00</u>

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WHEN MAKING PAYMENT, PLEASE REFER TO CLIENT/ACCOUNT REFERENCE NUMBER 5127-013

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WE APPRECIATE YOUR BUSINESS

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LAW OFFICES  
**STURM & FIX LLP**STE 1213  
206 SIXTH AVENUE  
DES MOINES IA 50309-4076TELEFAX (515) 288-4860  
TELEPHONE (515) 288-9589

EXHIBIT D

April 28, 2006  
Invoice: 26502MAHLE TENNEX NORTH AMERICA  
505 E MADISON  
WINTERSET IA 50273

In Reference To: **UNITED STATES Patent Application S.N. 09/525,365 filed March 15, 2000 "Noise Abatement Filter" - Larry D. Forbes - assigned to Parr Manufacturing - now U.S. Patent No. 6,408,979 issued June 25, 2002 2-5127-013**

Additional Charges :

	<u>Amount</u>
4/28/2006 Patent Office fees (difference in small entity as billed 1/25/06 to large entity)	515.00
S450.00 additional for maintenance fee	
S65.00 additional for late payment surcharge	
Total costs	\$515.00
Previous balance	\$1,015.00
4/13/2006 Payment - thank you - Invoice 25899 (1/25/2006). Check No. 63527	(\$1,015.00)
4/27/2006 Payment - thank you. Check No. 95352	(\$1,015.00)
Total payments and adjustments	(\$2,030.00)
Credit balance	(\$500.00)

CREDIT BALANCE - DO NOT PAY

WHEN MAKING PAYMENT, PLEASE REFER TO CLIENT/ACCOUNT REFERENCE NUMBER 5127-013

WE APPRECIATE YOUR BUSINESS

## Urgent Global Docket

Through: 7/31/2006

Printed: 6/26/2006

Page: 1

DUE	ATTY/ATTY2	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
June 2006								
10 Sat	RLF/n/a/CJC	3-1189-243	Storage Container	Sportsstuff, Inc.	(US) 11/010,001	STATUS CHECK	0	None
24 Sat	MOS/RLF/n/a/CJC	2-0153-009	Probe for High Frequency Treatment of the Skin	CRONIN Intellectual Property	(US) 6,497,702	1ST MAINT FEE DUE	0	1 Ex/6 Mnth
25 Sun	MOS/n/a/CJC	2-5127-013	Noise Abatement Filter	MAHLE-Par Filter Systems, Inc.	(US) 6,408,979	1ST MAINT FEE DUE	1	None
25 Sun	RLF/n/a/CJC	3-1902-001	STREAK AWAY	DENNING EQUIPMENT INC.	(US) 1,982,640	RENEWAL	0	1 Ex/6 Mnth
27 Tue	WFW/n/a/CJC	5-1598-001	Blasting Connector System and Method of Use	LARSON, Larry J.	(US) 5,375,524	3RD MAINT FEE DUE	0	1 Ex/6 Mnth
July 2006								
05 Wed	WFW/n/a/CJC	5-1544-031	Memory Enhancing Game	STOUGHTON, George E. Jr.	(US) 5,855,370	2ND MAINT FEE DUE	0	1 Ex/6 Mnth
06 Thu	MOS/n/a/CJC	2-5127-032	Fuel Filter and Pressure Regulator System App	MAHLE-Par Filter Systems, Inc.	(MX) 178618	ANNUITY DUE	1	None
06 Thu	WFW/n/a/CJC	5-0105-003	Improved Angularly Adjustable Traction Apparatus	MOSS, Dr. John	(US) 6,758,827	BROADENED REISSUE DL	0	None
11 Tue	MOS/n/a/CJC	2-5139-002	QUICK CHANGE PHOTO FRAME and Design	Quik Change Photo Frame	(US) 2,366,119	AFFIDAVIT OF USE	0	1 Ex/6 Mnth
11 Tue	MOS/n/a/CJC	2-5580-002	MISCELLANEOUS DESIGN	NATIONAL PORK BOARD	(US) 2,366,080	AFFIDAVIT OF USE	0	1 Ex/6 Mnth
17 Mon	MOS/n/a/CJC	2-5127-006	Plastic Fuel Filter with Conductive Coating for	MAHLE-Par Filter Systems, Inc.	(US) 5,382,359	3RD MAINT FEE DUE	0	1 Ex/6 Mnth
20 Thu	RLF/n/a/CJC	3-0282-002	1 CCC and Design	CRETE CARRIER CORP	(US) 78,674,848	STATUS CHECK	0	None
21 Fri	RLF/n/a/CJC	3-1189-271	BIOTECH	Sportsstuff, Inc.	(US) 78,613,836	STATUS CHECK	0	None
23 Sun	RLF/n/a/CJC	3-1189-301	AQUATIC FLOAT (Louis)	Sportsstuff, Inc.	(US) 29,252,441	FOREIGN FILING DUE	0	None
23 Sun	RLF/n/a/CJC	3-1189-306	Inflatable Float (Trek-N-Tube 3)	Sportsstuff, Inc.	(US) 29,252,439	FOREIGN FILING DUE	0	None
23 Sun	RLF/RLF/n/a/CJC	3-5262-004	E-Z CONSUMPTION METER	Easy Automation, Inc.	(US) 1,951,207	RENEWAL	1	None
27 Thu	RLF/n/a/CJC	3-1189-244	Inflatable Snowman Globe	Sportsstuff, Inc.	(US) 29,222,252	STATUS CHECK	0	None
28 Fri	MOS/MOS/n/a/CJC	1-5056-034	Custom Orthotic Foot Support Assembly	Foot Levelers, Inc.	(US) 6,510,626	1ST MAINT FEE DUE	0	1 Ex/6 Mnth
28 Fri	RLF/n/a/CJC	3-1189-252	Inflatable Canopy Lounge (Single Longitudinal	Sportsstuff, Inc.	(US) 29,227,807	ISSUE FEE	0	None
28 Fri	RLF/n/a/CJC	3-1189-253	Inflatable Canopy Lounge (Single Longitudinal	Sportsstuff, Inc.	(US) 29,227,806	ISSUE FEE	0	None
28 Fri	RLF/n/a/CJC	3-1189-254	Inflatable Canopy Lounge (Single Longitudinal	Sportsstuff, Inc.	(US) 29,227,826	ISSUE FEE	0	None
28 Fri	RLF/n/a/CJC	3-1189-255	Inflatable Canopy Lounge (Single Transverse	Sportsstuff, Inc.	(US) 29,227,825	ISSUE FEE	0	None
28 Fri	RLF/n/a/CJC	3-1189-256	Inflatable Canopy Lounge (Single Transverse	Sportsstuff, Inc.	(US) 29,227,824	ISSUE FEE	0	None
28 Fri	RLF/n/a/CJC	3-1189-257	Inflatable Canopy Lounge (Single Transverse	Sportsstuff, Inc.	(US) 29,227,823	ISSUE FEE	0	None

EXHIBIT F

## EXHIBIT F

## Urgent Global Docket

Through: 9/30/2005

Printed: 7/25/2006

Page 1

ATTY: JATTY2

DUE	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
June 2006							
10 Sat RLF/n/a/CJC	3-1189-243	Storage Container	Sportsstuff, Inc.	(US) 14010,001	STATUS CHECK	0	None
25 Sun MOS/n/a/VJS	2-5127-013	Noise Abatement Filter	MAHLE-Par Filter Systems, Inc.	(US) 6,408,979	1ST MAINT FEE DUE	0	None
July 2006							
06 Thu VHW/n/a/CJC	5-0105-003	Improved Angularly Adjustable Traction Apparatus MOSS, Dr. John		(US) 6,758,827	BROADENED REISSUE DL	0	None
23 Sun RLF/n/a/CJC	3-1189-301	AQUATIC FLOAT (Lotus)	Sportsstuff, Inc.	(US) 29/252,441	FOREIGN FILING DUE	0	None
23 Sun RLF/n/a/CJC	3-1189-306	Inflatable Float (Trek-N-Tube 3)	Sportsstuff, Inc.	(US) 29/252,439	FOREIGN FILING DUE	0	None
23 Sun RLF/n/a/CJC	3-5252-004	E-Z CONSUMPTION METER	Easy Automation, Inc.	(US) 1,951,207	RENEWAL	1	None
27 Thu RLF/n/a/CJC	3-1189-244	Inflatable Snowman Globe	Sportsstuff, Inc.	(US) 29/222,252	STATUS CHECK	0	None
28 Fri RLF/n/a/CJC	3-1189-252	Inflatable Canopy Lounge (Single Longitudinal	Sportsstuff, Inc.	(US) 29/227,807	ISSUE FEE	0	None
28 Fri RLF/n/a/CJC	3-1189-253	Inflatable Canopy Lounge (Single Longitudinal	Sportsstuff, Inc.	(US) 29/227,806	ISSUE FEE	0	None
28 Fri RLF/n/a/CJC	3-1189-254	Inflatable Canopy Lounge (Single Longitudinal	Sportsstuff, Inc.	(US) 29/227,826	ISSUE FEE	0	None
28 Fri RLF/n/a/CJC	3-1189-255	Inflatable Canopy Lounge (Single Transverse	Sportsstuff, Inc.	(US) 29/227,825	ISSUE FEE	0	None
28 Fri RLF/n/a/CJC	3-1189-256	Inflatable Canopy Lounge (Single Transverse	Sportsstuff, Inc.	(US) 29/227,824	ISSUE FEE	0	None
28 Fri RLF/n/a/CJC	3-1189-257	Inflatable Canopy Lounge (Single Transverse	Sportsstuff, Inc.	(US) 29/227,823	ISSUE FEE	0	None
28 Fri RLF/n/a/CJC	3-1189-258	Inflatable Canopy Lounge (Double Longitudinal	Sportsstuff, Inc.	(US) 29/227,821	ISSUE FEE	0	None
30 Sun VHW/n/a/CJC	5-1193-006	Multi-Layer/Knee Pad Construction	ALDRICH, Frederick	(US) 6,425,135	1ST MAINT FEE DUE	1	None
August 2006							
01 Tue RLF/n/a/CJC	3-1189-296	Inflatable Towable Kite (D-Shape Double Skin)	Sportsstuff, Inc.	(US) 29/237,459	ISSUE FEE	0	None
01 Tue RLF/n/a/CJC	3-1189-298	Inflatable Aquatic Lounge	Sportsstuff, Inc.	(US) 29/243,821	ISSUE FEE	0	None
01 Tue RLF/n/a/CJC	3-1189-299	Inflatable Towable Water Kite	Sportsstuff, Inc.	(US) 29/244,912	ISSUE FEE	0	None
02 Wed RLF/n/a/CJC	3-1189-268	TUBE KITTING	Sportsstuff, Inc.	(US) 78/576,358	FINAL REJECTION	0	None
02 Wed RLF/n/a/CJC	3-1189-268	TUBE KITTING	Sportsstuff, Inc.	(US) 78/576,358	NOTICE OF APPEAL	0	None
03 Thu RLF/n/a/CJC	3-1189-238	TOW ROPE CADDY (small holes)	Sportsstuff, Inc.	(US) 29/210,191	ISSUE FEE	0	None
05 Sat MOS/MOS/VJS	1-5056-004	DESIGN (FOOT LEVELERS)	Foot Levelers, Inc.	(US) 1,403,887	RENEWAL	0	1 Ex/6 Month
05 Sat MOS/MOS/VJS	1-5056-011	LADY LEVELERS	Foot Levelers, Inc.	(US) 1,403,933	RENEWAL	0	1 Ex/6 Month

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **LARRY D. FORBES**

Serial No.: 09/525,365

Filed: March 15, 2000

Entitled: **NOISE ABATEMENT FILTER****RECEIVED**

JUL 02 2010

OFFICE OF PETITIONS

PATENT No.: 6,408,979

Issued: June 25, 2002

ASSIGNEE: **MAHLE PARR FILTER SYSTEMS INC.****DECLARATION**

I, MICHEL KHOURI, declare:

1. My name is Michel Khouri, and I reside in the city of Birmingham, State of Michigan.
2. I am Director of Product Development of Mahle, Industires Inc., AMAHLE@, owner of U.S. Patent No. 6,408,979.
3. MAHLE has for several years exclusively manufactured and sold a noise abatement filter for fuel tanks covered by U.S. Patent No. 6,408,979 to General Motors Corporation (hereinafter AGM@) which is or has been original equipment in GM automobile models GM C Acadia, Buick Enclave, Saturn Outlook, and Chevy Traverse. The part is, and has been supplied to GM through the tier-1 fuel systems and tank supplier, INERGY Automotive Systems (hereinafter "INERGY".)
4. On or about April 28, 2009, I was contacted by Mr. Bob Walters, Sales Account Manager of MAHLE, that he had received an e-mail correspondence from Thomas Wright, Senior Buyer of INERGY informing him that GM had noticed that the U.S. Patent No. 6,408,979 was expired because the first maintenance fee had not been paid.
5. Mr. Wright of INERGY also told Mr. Walters from MAHLE in the e-mail correspondence of Paragraph 4 above, that because of GM's belief that the U.S. Patent No. 6,408,979 had expired, GM intended to source the noise abatement filter product to a supplier other than MAHLE. He further indicated that GM had identified a supplier that was able to produce this part at 28% less than MAHLE's current price and that GM had instructed INERGY to proceed with the transfer of the production tooling to the new supplier.

6. I was not aware that the maintenance fee for U.S. Patent No. 6,408,979 had not been paid until Mr. Walters of MAHLE forwarded to me, Mr. Wright's e-mail of INERGY's e-mail correspondence referred to Paragraphs 4 and 5 above.
7. Immediately after my receipt of the e-mail correspondence identified in Paragraph 6, I discussed this matter with Mr. John Feather, Director of Operations of MAHLE, Mr. Bob Walters, Sales Account Manager of MAHLE, and Mr. Tim Catchpole, Program Manager of MAHLE.
8. On April 29, 2009 I called Michael Sturm, a Registered Patent Attorney with Sturm and Fix LLP of Des Moines Iowa to discuss this matter and it was confirmed by Mr. Sturm and his Legal Assistant, Vicki Shepherd, that the first maintenance fee for U.S. Patent No. 6,408,979 had not been paid.
9. On April 29 and 30, 2009 I looked for documents in MAHLE's files and found Exhibit A, a letter sent to Sturm & Fix LLP (then Henderson & Sturm LLP) wherein MAHLE had given instructions dated December 12, 2005 to pay the maintenance fee.
10. On April 30, 2009 I sent an e-mail to Michael Sturm with this message:

AIn reference to the said patent, our records indicate that we have made payment to cover maintenance fees and associated late charges. Payment was made on 4/21/06 by check #95352, with a check encashment date of 5/3/06. (See attached file: Sturm 21900485722.tif)

Yet, it seems that the patent has expired. How do we know for sure that it has or has not? Did the patent office not process the maintenance fee?@
11. On May 1, 2009 Michael Sturm of Sturm & Fix LLP called me to confirm that the maintenance fee had inadvertently not been paid despite MAHLE's instructions to pay it, Mr. Sturm promising to prepare and file a Petition to Revive.
12. On May 6, 2009 Exhibit I, a letter from Thomas R. Wright of INERGY AUTOMOTIVE SYSTEMS to Bob Walters of MAHLE, was brought to my attention, this letter of Exhibit



I explaining the importance of U.S. Patent No. 6,408,979 to MAHLE and why MAHLE urgently needs to get this patent revived.

I further declare that all of the statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code



Michel Khouri

Dated: May 6, 2009

## EXHIBIT I

INERGY AUTOMOTIVE SYSTEMS  
2710 Dellingham Circle 400, Troy, MI 48063  
T. (248) 743-5700  
F. (248) 620-1480  
www.inergyautomotive.com



May 6, 2009

MAHLE  
23030 Haggerty Rd.  
Farmington Hills, MI 48335

ATTN: Mr. Bob Walters  
Account Manager, Sales

Dear Mr. Walters,

I am writing in response to your letter dated May 5, 2009 regarding the Lambda Baffle re-source. This correspondence is to serve as a summary of events so far and INERGY's expectations moving forward.

On April 28, 2009, INERGY notified MAHLE of GM's intent to re-source the Lambda Baffle / PN 052110AB (please note that INERGY considers this date to be MAHLE's official notification of business transfer). At this time, INERGY also offered MAHLE a rate of last refusal on this business or requested they proceed with providing the costs associated with an eight week bank. The requested due date for MAHLE's response was May 1, 2009.

On April 30, 2009, MAHLE responded by requesting OEM production forecast quantities and the exact volumes associated with an eight week bank build. Production releases from both Adrian and Anderson, which contained the requested information, were provided to MAHLE the same day. MAHLE again responded that INERGY needed to confirm the eight week bank quantities and additionally provide to them each plant's on hand Baffle quantities.

On May 4, 2009, each INERGY plant provided the requested eight week bank quantities, as well as the current on hand stock for the Baffle. At this time, INERGY again requested a response from MAHLE on price matching and / or their required bank costs. A request to begin preparations for a review of MAHLE's tools was also made.

On May 5, 2009, MAHLE officially responded that they have patent # 6,408,979 on the Lambda Baffle and that a supply agreement is in force between MAHLE and INERGY.

Today, INERGY confirmed that patent # 6,408,979 expired on June 25, 2006 due to failure to pay maintenance fees and hence, this patent cannot be used to further delay the transfer of the Baffle business. Please see the following link for verification: <http://www.uspto.gov/go/og/2006/week34/patexpl.htm>

Therefore, INERGY is again requesting a response from MAHLE on price matching and / or their required bank costs by 12:00PM Thursday, May 7, 2009. A meeting will be scheduled with INERGY, MAHLE and GM on Friday, May 8, 2009 to discuss next steps.

Thanks for your prompt response.

Sincerely,

Thomas R. Wright  
Sr. Program Buyer